



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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October 25, 2012

Mr. Thomas Barghausen, President
Barghausen Engineering, Inc.
18215 72nd Avenue South
PO Box 90012
Kent, WA 98032

RE: Administrative Order #9564 to impact .21 acres of isolated wetlands to construct a new residential subdivision known as Mirror Estates within the City of Federal Way, King County, WA

Dear Mr. Barghausen:

On June 18, 2012, Gary Schultz Consulting on behalf of the Barghausen Engineering, Inc. submitted an Isolated Wetlands Information Sheet as a supplement to a Joint Aquatic Resources Permit Application (JARPA) previously submitted to the Department of Ecology (Ecology) on June 25, 2007 to request an Administrative Order for proposed work in isolated wetlands. The State of Washington has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Patrick McGraner at (425)-649-4447. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Erik Stockdale, Unit Supervisor
Northwest Regional Office
Shorelands and Environmental Assistance Program

ES:ca

Enclosure

By certified mail: 7012 1640 0000 6245 9771

e-cc: ecyrefedpermits@ecy.wa.gov
Loree' Randall, Ecology/Headquarters
Patrick McGraner, Ecology/NWRO
Gary Schultz, Gary Schultz Consulting
Simone Oliver, Altman Oliver, LLC



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
THOMAS BARGHAUSEN, PRESIDENT)
BARGHAUSEN ENGINEERING, INC)
FOR AN ADMINISTRATIVE ORDER TO) ORDER #9564
CONDUCT WORK IN ISOLATED WETLANDS)

To: Mr. Thomas Barghausen, President
Barghausen Engineering, Inc.
18215 72nd Avenue South
PO Box 90012
Kent, WA 98032

This is an Administrative Order requiring Barghausen Engineering, Inc. to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

On July 31, 2012 Barghausen Engineering, Inc. submitted a request to directly impact .21 acre of isolated wetlands to construct a new subdivision called Mirror Estates within the City of Federal Way. The isolated wetlands include a 3,748 s.f. Category III wetland dominated by Scouler's willow, a 3,568 s.f. Category IV wetland dominated by salmonberry and a 1,886 s.f. Category IV wetland dominated by Douglas spirea for a total of 9,202 s.f. of isolated wetland fill.

Mitigation for this proposal includes creation of 11,255 s.f. of forested and scrub-shrub wetland adjacent to an existing Category III wetland located in the approximate center of the site, to include 7,514 of buffer addition and 48,012 s.f. of buffer enhancement.

For purposes of this Order, the term "Applicant" shall mean Barghausen Engineering, Inc. and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that Barghausen Engineering, Inc. shall comply with the following:

1. The Applicant shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on June 25, 2007, the Isolated Wetlands Information Sheet received by Ecology on June 18, 2012 and in the Wetland Mitigation Plan for Mirror Estates, prepared by Altman Oliver Associates, LLC, revised May 30, 2012 or as otherwise approved by Ecology.

2. Project mitigation shall be constructed and maintained as described in Wetland Mitigation Plan for Mirror Estates, prepared by Altman Oliver Associates, LLC, revised May 30, 2012.
3. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology.
4. This Order is valid for two years from the date of issuance. If the authorized work is not completed by that date, please notify Ecology so that we may discuss the status of your authorization.
5. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
6. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.
7. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.
8. The applicant is not required to submit monitoring reports for this project to the Department of Ecology but is required to submit an as-built plan (may be in electronic format) to the Regional Wetlands Specialist listed below upon completion of the mitigation plantings.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).


To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903


Erik Stockdale, Unit Supervisor
Wetlands/401 Unit
Shorelands and Environmental Assistance Program
Northwest Regional Office

10-25-2012
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